

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
At Martinsburg

LANCER INSURANCE COMPANY,

Plaintiff,

Civil Action No. 3:09CV18

v.

JURY TRIAL DEMANDED

VIP LIMOUSINE SERVICE, LTD, et al.,

Defendants.

**ANSWER TO COMPLAINT OF DEFENDANT
RYAN INCORPORATED CENTRAL**

Comes now Defendant Ryan Incorporated Central, by and through its counsel, Patrick J. Nooney, Esquire, and the law firm of PATRICK J. NOONEY, P.A., and for its Answer to the Complaint filed herein states:

FIRST DEFENSE

1. That the Complaint, or portions thereof, fails to state a claim(s) against this Defendant upon which relief may be granted herein.

SECOND DEFENSE

2. That this Defendant admits the corporate and residence allegations contained in paragraphs 1, 2, 3, 4, 5 and 6 in the Complaint; and it admits the vehicle ownership alleged in paragraph 16 in the Complaint; and it admits that an ongoing civil action is pending between the Defendants herein, and others, in the Circuit Court of Jefferson County, West Virginia, Civil Action No. 06-C-243, as alleged in paragraphs 12 and 13 in the Complaint; and it admits that

certain general allegations were made in that Jefferson County action (“Jefferson County litigation”), as generally set forth in paragraphs 14, 15, and 17 in the Complaint, and to that extent only, i.e. the fact that such general allegations were made in the Jefferson County litigation, as alleged in paragraphs 14, 15, and 17 in the Complaint herein, is admitted.

THIRD DEFENSE

3. That it denies the residence allegations for Defendants Snyder as contained in paragraph 7 in the Complaint, but it admits that they are the duly appointed Personal Representatives of the Estate of Michael C. Snyder, deceased.

FOURTH DEFENSE

4. That this Defendant lacks knowledge or information sufficient to form a belief concerning the truth of the alleged policy, coverage and/or non-coverage allegations in the Complaint, as contained in paragraphs 10, 11, 18, 19, 20, 21, 22, and as contained in paragraphs 23 through 39, inclusive, and as contained in the unnumbered paragraphs following paragraphs 31 and 39 in the Complaint filed herein.

FIFTH DEFENSE

5. That it reserves the defense that this Court lacks subject matter jurisdiction and it therefore denies the allegations with respect to jurisdiction as contained in paragraphs 8 and 9 in the Complaint, and it asserts that this filing may be an impermissible collateral attack on factual findings and/or matters developed in or being developed during the course of the said Jefferson County litigation, as referenced above, and this Complaint therefore is or may be subject to dismissal herein.

SIXTH DEFENSE

6. That this Defendant incorporates by reference and it reasserts, realleges, and reaffirms its assertions and denials and defenses as set forth in and as may be reasonably implied in its Answer(s) filed in the said Jefferson County litigation with respect to the claims of any and all other parties in that litigation, as if reasserted, realleged and restated verbatim herein.

SEVENTH DEFENSE

7. That this Defendant also reserves the right to present such other affirmative defenses as discovery, the investigation, or evidence may show, including the defenses of the applicable statute(s) of limitations, laches, estoppel, release, waiver, and the statute of frauds.

This Defendant demands a trial by jury on all issues triable by jury.

Ryan Incorporated Central
By Counsel

/s/ Patrick J. Nooney
Patrick J. Nooney, Esquire
West Virginia Bar No. 5593
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Counsel for Defendant Ryan Incorporated Central

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CERTIFICATE OF SERVICE

I, Patrick J. Nooney, counsel for Defendant, Ryan Incorporated Central, do hereby certify that I have served a true and accurate copy of the foregoing **ANSWER TO COMPLAINT OF DEFENDANT RYAN INCORPORATED CENTRAL** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing, and I hereby certify that I have mailed by United States Postal Service upon the following counsel of record, at their office address, by regular United States mail, postage pre-paid, this 21st day of April, 2009:

Michael E. Lang, Esquire
Vicki H. Mortimer, Esquire
MALONE, MIDDLEMAN, P.C.
117 VIP Drive
Suite 310
Wexford, Pennsylvania 15090

/s/ Patrick J. Nooney
Patrick J. Nooney, Esquire